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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/955,691

Applicant(s)

HARKNESS ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shoff et al. (U.S. Patent No. 6,240,555).

Referring to claim 1, Shoff discloses a tuner tuned to a program (see element 98 in Figure 5).

Shoff also discloses a meter coupled to the tuner and arranged to detect the media link embedded in the program tuned by the tuner (see computing unit 90, which includes tuners 98 and 100 along with processor 92, memory 94 and program memory 96 in Figure 5, where unit 90 determines if the program being received via tuner 98 or 100 of a selected channel is interactive (see step 152 in Figure 6)).

Referring to claim 2, Shoff discloses that the tuner 98 “tunes to the channel or broadcast frequency to receive a video data stream from a program source”, therefore the tuner must inherently scan the frequencies to find the particular video data stream to be selected.

Referring to claim 3, Shoff discloses that the scanning tuner tunes to a plurality of channels (a user can select more than one channel in a viewing), and wherein the

meter is arranged to detect media links from programs carried in the tuned channels (see Column 8, Lines 62-67 and Column 9, Lines 1-5 to determine whether a program contains supplemental information (media link as shown in Figure 3) to be displayed along with the program).

Referring to claim 4, Shoff discloses a program identifier, wherein the program identifier is arranged to identify the program directly from the media link (see EPG data in Figure 3, which is transmitted to the user (see Column 7, Lines 3-8)). Note the EPG contains multiple information fields that relate to the program.

Referring to claim 5, Shoff discloses a program identifier, wherein the program identifier is arranged to identify the program by accessing a content provider (see Column 9, Lines 20-26 for the supplemental information being accessed being a hyperlink to a target resource located at an ISP).

Referring to claim 6, Shoff discloses a program identifier, wherein the program identifier is arranged to receive a manual identification of the program (see EPG data in Figure 3 for the "Title" field, which is a manual identification of a program).

Referring to claim 7, Shoff discloses the media link (supplemental information) is a URL (see Column 5, Lines 23-33).

Referring to claim 8, Shoff discloses the media link is a code reference to a URL (see Column 6, Lines 29-32). Note that a URL is a code reference.

Referring to claim 9, Shoff discloses that the media link is a trigger (note that when a program is deemed interactive, the target specification is extracted from the

EPG data structure in Figure 3 and displayed to a user, therefore this link is a trigger (see Column 9, Lines 20-27).

2. Claims 10-19, 22-25, 28-37, 40-43 and 46-47 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Menard et al. (U.S. Patent No. 6,061,056).

Referring to claim 10, Menard discloses a tuner tuned to the program (see tuner 2 in Figure 1).

Menard also discloses a meter coupled to the tuner and arranged to capture first and second program identifying datum (elements 9 and 10 in Figure 1 for capturing program data), wherein the first program identifying datum is a media link embedded in the program (see closed caption capture device 10 in Figure 1), and wherein the second program identifying datum is a program identifying datum other than a media link (see video capture device 9 in Figure 1).

Referring to claim 11, Menard discloses that the tuner is a scanning tuner (note that tuner 2 in Figure 1 inherently scans multiple frequencies in order to select the proper channel for capture and/or viewing).

Referring to claim 12, Menard discloses that the scanning tuner tunes to a plurality of channels (note that a user can select one or more channels using a tuner), wherein the meter is arranged to capture media links and second program identifying data from programs in the tuned channels (see elements 9 and 10 in Figure 1 and Column 4, Lines 63-65).

Referring to claim 13, Menard discloses a program identifier arranged to identify the program from the first and/or second program identifying data (see elements 9 and 10 for identifying video data and/or closed caption data).

Referring to claim 14, Menard discloses the program identifier is arranged to identify the program by comparing the first and/or second program identifying data to corresponding first and/or second reference identifying data (see Column 5, Lines 28-32 for specifying user search criteria and identifying video and audio data).

Referring to claim 15, Menard discloses the second program-identifying datum is a signature extracted from the program (see element 10 in Figure 1 for the closed caption capture unit, a closed caption is text data, which is a signature for the video and audio data being captured).

Referring to claims 16 and 23, Menard discloses a system where if the received signal does not match the users search criteria the received signal may be recorded or not recorded, based on users instructions (Figures 4 and 5, and Column 6, Lines 66-67 and Column 7, Lines 1-3).

Referring to claim 17, Menard discloses a program identifier, wherein the program identifier is arranged to identify the program directly from the media link (note that closed caption capture unit 10 gets media links which identify the video and audio data captured by units 9 and 11).

Referring to claim 18, Menard discloses a program identifier, wherein the program identifier is arranged to identify the program by accessing a content provider

(see Figure 14 and Column 9, Lines 47-53 for accessing channels over a network from an ISP).

Referring to claim 19, Menard discloses a program identifier, wherein the program identifier is arranged to receive a manual identification of the program (note that capturing the video itself is a manual identification of a program (or if a viewer views the video itself)).

Referring to claim 22, Menard discloses that the media link is a trigger (see Column 5, Lines 30-33 for alerting the viewer if the information Clinton shows up in the captured data).

Claim 24 directly relates to claim 10, where Menard discloses the additional limitation of a comparator arranged to compare the broadcast signature to a reference signature, wherein the reference signature is selected from a library of reference signatures based upon the content ancillary information (see the smart TV software module 12 in Figure 1, which compares the received detected/monitored program time stamp with time stamps, which are stored in mass storage 20 (see Figure 2)).

Referring to claims 25 and 29, see rejection of claim 10 (and also note Column 5, Lines 8-10 for a teaching of using closed caption data).

Referring to claim 28, see rejection of claim 22.

Referring to claim 30, Menard discloses a system where the received signal whether there is a match based on the viewer search criteria may be stored or not stored, based on the viewers preference (Column 6, Lines 39-51).

Referring to claim 31, Menard discloses that the reference signature includes identification of the program (see Column 5, Lines 29-33 for the search criteria relating to a program containing Clinton or Yeltsin).

Referring to claim 32, Menard discloses that the stored video, audio and closed-caption text is stored with time based tags and indexes, thereby creating a fully indexed multimedia database (Column 6, Lines 44-46).

Referring to claim 33, see rejection of claim 31.

Referring to claim 34, see rejection of claim 24.

Referring to claims 35-36, see rejection of claims 30 and 31.

Referring to claim 37 and 43, see rejection of claim 10.

Referring to claim 40 and 46, see rejection of claim 22.

Referring to claim 41 and 47, see rejection of claim 29.

Referring to claim 42, see rejection of claim 30.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-21, 26-27, 38-39, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al. in view of Shoff et al. (U.S. Patent No. 6,240,555).

Referring to claims 20-21, Menard discloses a system where a user can monitor broadcast signals based on the identification of a program, which is of interest to a user.

For example, the user may retrieve individual clips of video, audio or closed caption text by specifying content, i.e. (searching for a keyword or phrase) where the words Clinton and Yeltsin occur within an adjacent stream of twenty words (Column 5, Lines 23-38). The incoming video, audio, and closed caption text are stored with time based tags and indexes, creating an indexed multimedia database. Menard also provides a system where the user via reception (706) is able to receive satellite 705 signals and also Internet 707 information. Menard fails to teach receiving of URL's or codes referencing URL's. Shoff discloses an entertainment system, which alerts the viewer when a received signal is interactive, whereby the viewer is able to interact with the supplemental content via pointers, hyperlinks, URL's or any designation for referencing a location designating supplemental content as shown in Figure 3.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Menard, which discloses the detection and monitoring of the received closed-captioning, video and audio signals, with Shoff in order to provide the viewer, a link/website which the user may peruse if desired for additional information concerning a particular program.

Referring to claims 26-27, 38-39 and 44-45, see rejection of claims 20-21, respectively.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Cragun et al. (U.S. Patent No. 5,481,296) discloses a system similar to Menard for extracting data from an audio/video stream using closed caption data.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

July 16, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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